

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

OPTUMCARE MANAGEMENT, LLC,

Plaintiff/Counter-Defendant,

v.

Case No. 21-cv-00982-RB-LF

TIMOTHY GRENNEMYER, D.O.,

Defendant/Counter-Plaintiff.

**ORDER ADOPTING JOINT STATUS REPORT
AND PROVISIONAL DISCOVERY PLAN
AND SETTING CASE MANAGEMENT DEADLINES
AND DISCOVERY PARAMETERS**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on April 18, 2022. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan filed on April 11, 2020, and after conferring with counsel, the Court adopts the Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of 25 Interrogatories by each party to any other party;
- b) Maximum of 25 Requests for Production by each party to any other party;
- c) Maximum of 40 Requests for Admission by each party to any other party;
- d) Maximum of 10 depositions by Plaintiff and 10 depositions by Defendant; and
- e) Depositions of all witnesses, except parties and experts, are limited to 5 hours; parties and experts are limited to 1 day of 7 hours, unless extended by agreement of the parties.

Service of written discovery shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court sets the following case management deadlines:¹

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|----|---|--------------------|
| a) | Deadline for Plaintiff to amend and join additional parties by written consent or to seek the Court's leave to amend and join additional parties in compliance with FED. R. CIV. P. 15(a)(2): | May 16, 2022 |
| b) | Deadline for Defendant to amend and join additional parties by written consent or to seek the Court's leave to amend and join additional parties in compliance with FED. R. CIV. P. 15(a)(2): | June 13, 2022 |
| c) | Plaintiff's Rule 26(a)(2) expert disclosure: ² | August 22, 2022 |
| d) | Defendant's Rule 26(a)(2) expert disclosure: ² | September 22, 2022 |
| e) | Termination date for discovery: | December 19, 2022 |
| f) | Motions relating to discovery to be filed by: ³ | January 9, 2023 |
| g) | Pretrial motions other than discovery motions (including motions which may require a <i>Daubert</i> hearing) ⁴ filed by: | January 20, 2023 |
| h) | Proposed Pretrial Order: Plaintiff to Defendant by: | March 6, 2023 |
| | Defendant to Court by: | March 20, 2023 |

¹ These deadlines apply to the primary claims and may need to be modified if the counter claims survive plaintiff's motion to dismiss.

² Parties must disclose the names of all expert witnesses, including treating physicians, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony also must submit an expert report by this date. *See* Fed. R. Civ. P. 26(a)(2). The parties must have their retained expert(s) ready to be deposed when they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

³ The Court will permit the parties to extend the 21-day time limit for filing a motion to compel pursuant to Local Rule 26.6 by written stipulation filed with the Court, as long as the extension does not impact the court-ordered discovery motions deadline.

⁴ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions in limine. The Court will set a deadline for filing motions in limine in a separate order.

Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery deadline.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge